

January 18, 2018

Hon. Analisa Torres
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007

**Re: *The Phoenix Insurance Company et al. v. Andrew Fabbri and Jessica Cohen,*
 No. 17 Civ. 8749 (AT) – Pre-Motion to Dismiss Letter**

Judge Torres:

I am counsel for the defendants, Andrew Fabbri and Jessica Cohen, in the above-captioned case.

This morning, I told opposing counsel, Gregg E. Opell, that in light of the discussions at the initial conference yesterday, and the fact that he intends to amend the complaint by January 26, 2018, to include the factual basis for his claim, I would not pursue the motion to dismiss the forthcoming complaint. I also told him I would write to the Court so that it was clear that he did not need to respond to my letter of January 10, 2018.

Sincerely,

/s/ Brian Lehman

Brian Lehman
Lehman LG LLC
244 5th Ave., Suite B258
New York, NY 10001
724-4LEHMAN
724-453-4626

cc: all counsel by CM/ECF